

Opponents:
Jordan Austin
Tim Tyrrell
Andy Allen
V.H. Callhan
Chris Zeeb

Representing:
National Rifle Association
himself
Self
Self
Self

Neutral:

Representing:

Summary of purpose and/or change:

LB 958 would provide the following changes to Nebraska Statutes:

Section 2. Of the bill would provide a duty to report lost or stolen firearms.

- Individual must report lost or stolen firearm to local law enforcement w/in 48 hrs after discovery of loss or theft.
- Law enforcement shall request from individual reporting loss or theft any identifying information regarding lost or stolen firearms including but not limited to, the manufacturers name of weapon if known, the model of the weapon if known, the caliber of the weapon if known, and the serial number of the weapon if known. (*Failure to know the identifying information is not a punishable offense.*)
- Law enforcement shall ask the location from where the firearm was stolen, or last seen if lost.
- Failure to report loss or theft is a Class IV Misdemeanor (**\$500 fine**) for the first offense and a Class III Misdemeanor (**3Mos/\$500 or both**) for the second or subsequent offense.
- Reports made to the State Patrol are in a form prescribed by the Patrol.
- There is no penalty for the reporting of an improperly or illegally registered handgun.

Section 3. Makes the following changes to the definitions as currently defined by Section 28-1201.

- In subsections 1 thru 5 of the definitions, changes the words "shall mean" in each subsection to "means".

Section 4. Gun Locks and Retailers Posting a Sign

- Would require that beginning July 1, 2008 all retailers of firearms must include a trigger or gun lock with the each sale of a firearm. Retailers must also post a sign warning of the dangers of leaving a firearm unlocked when not in use.
- A retailer or employee violating this Section is guilty of a **Class IV Misdemeanor (\$500 fine)**

Section 5. Minimum 5yrs for use of firearm to commit a felony

- Would require that the use of a firearm to commit a felony carry a **minimum 5 year** prison sentence in Nebraska.
- Currently use of firearm to commit a felony is a Class II Felony but does not require a mandatory minimum prison sentence. (Maximum sentence for Class II Felony is 50 years)

Section 6. Gun Violence Commission Created

- 12 members make up the commission, including:
 1. Superintendent of Law Enforcement and Public Safety or his or her designee (**Shall be designated Chairperson**)

2. Chairman of Judiciary Comm. or his or her designee
 3. Attorney General or his or her designee
 4. Mayor of Omaha or his or her designee
 5. Omaha Chief of Police or his or her designee
 6. Omaha City Prosecutor or his or her designee
 7. Douglas County Attorney or his or her designee
 8. City Prosecutor of non-metro city or his or her designee
 9. County Attorney of a County w/o metro city in it or his or her designee
 10. Chief of Police of non metro city or his or her designee
 11. Judge of County or district court
 12. Judge of Juvenile Court
- Commission members shall serve w/o compensation but shall be reimbursed for actual and necessary expenses.
 - Commission shall prepare a written report recommending specific administrative, statutory, and regulatory changes designed to reduce gun trafficking, illegal gun sales, and any other factors that lead to gun violence.
 - Report shall also include a recommendation as to whether the commission's solutions require additional funding as well as how to target funding in such a way as to accelerate the interdiction of illegal gun activity.
 - Commission can contact any member of general public whom the commission believes might provide useful information.
 - Commission shall deliver its report to the Legislature on December 30, 2008 and cease to exist on December 31, 2008.

Section 7. Gun Tracing

- When weapons are found in the possession of a person who is under eighteen years of age and is not authorized by state and or federal law to possess a firearm, or a weapon is discovered during the course of a criminal investigation, law enforcement shall;
 1. utilize best available information, including gun tracing to determine how the and from where the minor gained possession of the firearm,
 2. report the information gathered in determining how the minor came into possession of the firearm to the state patrol,
 3. State patrol shall maintain a registry of this information.
 4. Reports to State Patrol are in a form prescribed by the Patrol.

Section 8. Public awareness campaign /gun hotline

- State Patrol shall conduct Public awareness campaign designed to decrease illegal firearm possession by juveniles.
- Awareness campaign shall include the creation of a hotline that citizens can use to report suspected possession of a firearm by a juvenile. (Calls to the hotline can be placed anonymously.)
- The Patrol shall conduct awareness activities designed to inform the public about the dangers of leaving loaded firearms within the reach of children and of improperly storing weapons and ammunition when not in use.
- State Patrol may utilize other public awareness activities that they believe would be effective in decreasing the possession of such firearms by juveniles.

Section 9. Mental Health Exclusion to Gun Permit

- Applicant shall be denied a certificate if he/she was found in the previous 10yrs to be a mentally ill and dangerous person under the Neb. Mental Health Commitment Act or a similar law of another

jurisdiction or is currently adjudged mentally incompetent. (Same language is used in the Concealed Carry Law (Neb. Rev. Stat. 69-2433).

Section 10. Storage of Mental Health Information by Neb. HHS for purposes of section 69-2409.01

- Changes the length of time that Neb. HHS is required to retain mental health information under section 69-2409.01 from the current 5 years, to 10 years, currently these mental health records are retained by HHS and provided to the Nebraska State Patrol for background checks required for handgun and concealed carry permit applications.
- Since concealed carry permits and the provisions of this bill require a 10 year look back, the original source of these records should retain them for at least the same time frame.

Section 11. Repeals and Harmonizes Existing Statutes

Original sections 28-1201, 28-1205, 69-2409.01, and 69-2426, Reissue Revised Statutes of Nebraska, section 69-2404, Revised Statutes Cumulative Supplement, 2006, and section 28-101, Revised Statutes Supplement, 2007, are repealed.

Section 12. Emergency Clause

- Bill takes effect when passed and signed into law.

Explanation of amendments, if any:

AM 1964 TO LB 958

AM 1964 would make the following changes to LB 958:

- Strikes all section of the original bill.
- Creates the Assault Weapons Commission consisting of the following members:
 - (a) The Chairperson of the Judiciary Committee of the Legislature or his or her designee;
 - (b) The Governor or his or her designee;
 - (c) The Attorney General or his or her designee;
 - (d) The Superintendent of Law Enforcement and Public Safety or his or her designee;
 - (e) A law enforcement officer of a city of the metropolitan class or his or her designee, appointed by the Governor;
 - (f) A law enforcement officer of a city other than a city of the metropolitan class or his or her designee, appointed by the Governor; and
 - (g) A retailer of firearms or his or her designee, appointed by the Governor.
- Members of the commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81 -1177.
- The commission shall create a definition of assault weapons, using the general characteristics listed in subsection (4) of this section, and compile a list of assault weapons which meet such general characteristics. The purpose of the list is to provide the Legislature with information regarding whether such assault weapons should be illegal in this state. The commission shall provide the list

in a report to the Legislature. The commission shall also recommend appropriate enforcement penalties and procedures.

- An antique or collectible weapon that has its firing pin removed shall not be considered an assault weapon.
- The commission may contact members of the general public whom any member of the commission believes can contribute needed or worthwhile information in order for the commission to carry out its purpose.
- The commission shall deliver its report to the Legislature on or before February 1, 2009.
- The commission shall update the list of assault weapons and provide such updated list to the Clerk of the Legislature and the Judiciary Committee by January 10 of every odd year. The commission may meet as necessary to accomplish the requirements set forth in this section.

Senator Brad Ashford, Chairperson